

**REGULAR MEETING**

**MAYOR AND BOARD OF TRUSTEES, VILLAGE OF BURR RIDGE, IL**

**JULY 28, 2008**

**CALL TO ORDER** The Regular Meeting of the Mayor and Board of Trustees of July 28, 2008 was held in the Meeting Room of the Village Hall, 7660 County Line Road, Burr Ridge, Illinois and called to order at 7:00 p.m. by Trustee Paveza.

**PLEDGE OF ALLEGIANCE** was conducted by Mia Romanelli, Gower West Elementary School.

**ROLL CALL** was taken by the Village Clerk and the results denoted the following present: Trustees Sodikoff, Paveza, Allen, Grela & DeClouette. Absent: Trustee Wott and Mayor Grasso. Also present were Village Administrator Steve Stricker, Community Development Director Doug Pollock, Police Chief Herb Timm, Public Works Director Paul May, Village Clerk Karen Thomas and Village Attorney Scott Uhler.

There being a quorum, the meeting was open to official business.

**AUDIENCE** Tony Arciero, 11645 Briarwood Lane, asked that the Board deny the request for a variance for the Fifth Third Bank drive through. He said it does not promote pedestrian traffic and, in fact, discourages it. He would suggest reconsidering any plans for a bank on that site as it does not generate any sales tax and creates excess auto traffic. He continued that Burr Ridge is not underserved by the banking industry.

Maureen Headington, 6760 County Line Lane, updated the Board on the Department of Energy's announcement that it was considering recycling nuclear waste and building facilities at Argonne National Laboratory and on a site near Morris. The program is known as the Global Nuclear Energy Partnership (GNEP). She said that Darien and Burr Ridge were the first two communities to adopt resolutions in opposition to the transportation of nuclear waste from the nation's 103 reactors to the potential sites where General Electric wanted to build a plant to reprocess radioactive waste into usable fuel. She said she received a letter from the director of Argonne that the project was being scrapped for now. She presented a packet of information on the issue and stated that this issue is not going away. This is about the transport of usable plutonium on the streets and rails. Nowhere has reprocessing of nuclear waste been done without contamination. This is a money making scheme putting residents at risk. Illinois already has more reactors than any state in the nation and to take on this additional risk is unconscionable.

**CONSENT AGENDA – OMNIBUS VOTE** After reading the Consent Agenda by the President, motion was made by Trustee Grela and seconded by Trustee Allen that the Consent Agenda – Omnibus Vote, (attached as Exhibit A), and the recommendations indicated for each respective item, be hereby approved.

On Roll Call, Vote Was:

9072



Regular Meeting  
Mayor and Board of Trustees, Village of Burr Ridge  
July 28, 2008

AYES: 5 – Trustees Grela, Allen, Paveza, Sodikoff & DeClouette

NAYS: 0 – None

ABSENT: 1 – Trustee Wott

There being five affirmative votes, the motion carried.

**MINUTES – REGULAR MEETING OF JULY 14, 2008** were approved for publication under the Consent Agenda by Omnibus Vote.

**MINUTES – (DRAFT) STORMWATER COMMITTEE MEETING OF JULY 8, 2008** were noted as received and filed under the Consent Agenda by Omnibus Vote.

**MINUTES – (DRAFT) VETERANS MEMORIAL COMMITTEE MEETING OF JULY 9, 2008** were noted as received and filed under the Consent Agenda by Omnibus Vote.

**MINUTES – (DRAFT) ECONOMIC DEVELOPMENT COMMITTEE MEETING OF JULY 15, 2008** were noted as received and filed under the Consent Agenda by Omnibus Vote.

**MINUTES – (DRAFT) ENVIRONMENTAL QUALITY COMMISSION MEETING OF JULY 23, 2008** were noted as received and filed under the Consent Agenda by Omnibus Vote.

**RESOLUTION AUTHORIZING THE NORTHERN ILLINOIS MUNICIPAL ELECTRIC COOPERATIVE (NIMEC) TO OBTAIN BIDS FROM ELECTRICITY PROVIDERS FOR A THREE-YEAR CONTRACT AND AUTHORIZING THE VILLAGE ADMINISTRATOR TO APPROVE A CONTRACT WITH THE LOWEST COST ELECTRICITY PROVIDER IF COST EFFECTIVE**

The Board, under the Consent Agenda by Omnibus Vote, approved the Resolution authorizing NIMEC to solicit quotes for electricity for a three year period and authorizing the Village Administrator to approve a contract with the lowest electricity provider.

**THIS IS RESOLUTION NO. R-20-08**

**PROCLAMATION HONORING INDIAN PRAIRIE LIBRARY ON ITS 20<sup>TH</sup> ANNIVERSARY** The Board, under the Consent Agenda by Omnibus Vote, approved the proclamation honoring Indian Prairie Library's 20<sup>th</sup> Anniversary.

**RECOMMENDATION TO AWARD CONTRACT FOR RECONSTRUCTION OF A CULVERT ON MADISON STREET, SOUTH OF 91<sup>ST</sup> STREET** The Board, under the Consent Agenda by Omnibus Vote, awarded the contract for replacement of the Madison Street culvert to Hoppe's Trenching in an amount not to exceed \$7,918.00.

**RECOMMENDATION TO AWARD CONTRACT FOR CONSTRUCTION OF 2008 SIDEWALK PROGRAM** The Board, under the Consent Agenda by Omnibus Vote, awarded the contract for additional sidewalk construction to Davis Construction Company in an amount not to exceed \$136,828.30.



Regular Meeting  
Mayor and Board of Trustees, Village of Burr Ridge  
July 28, 2008

VOUCHERS in the amount of \$165,896.98 for the period ending July 28, 2008 and payroll in the amount of \$215,240.02 for the period ending July 12, 2008 were approved for payment under the Consent Agenda by Omnibus Vote.

**COMMONWEALTH EDISON'S PROPOSED PLANS TO REMOVE TREES UNDER TRANSMISSION LINES THROUGHOUT BURR RIDGE**

Village Administrator Steve Stricker explained that a meeting is scheduled for August 6<sup>th</sup> to update the residents regarding the proposed plans by Commonwealth Edison to remove trees under transmission lines. He continued that he and the Mayor hope to schedule a meeting before that date to try to convince Com Ed to drop their plans and to work with the Village in terms of removing only those trees that would provide some type of imminent danger to the power lines.

Scott Uhler, Village Attorney, spoke about a memo presented to the Board in May that analyzed the position that ComEd was taking, the rights that ComEd felt they had and were asserting and the options under Federal and State law and administratively, that the Village has. Those continue to be options. An agreement establishing a plan that is more acceptable to the residents and more sensitive to the landowners interests in this case remains an option. Since the residents and ComEd last met, they have produced a plan that shows where the vegetation is proposed to be removed, trimmed, etc. The Village has no additional information at this point that fortifies the position that ComEd seems to be taking that all of these trees have to be removed under the standard that is identified in the Federal regulation.

Mr. Uhler said that while the Village knows that ComEd is charged with taking action, they must have a vegetation management plan in place but the actual contours of that plan are still, at this point, not well defined. He continued that the Village retains the right to take this matter up with the Illinois Commerce Commission, to take it up directly with Com Ed by agreement or in the event that ComEd moves forward more quickly than anticipated, there is a judicial option – not the most favored option – to freeze things as they are by injunction. There is a meeting scheduled with their legal counsel and he anticipates gathering some additional information about the standards that ComEd is proposing to follow at this point.

Mr. Stricker said that the DuPage Mayors and Managers Conference has agreed to send a letter to ComEd stressing their concern about this type of program not only for Burr Ridge but other areas of DuPage County.

Resident Betsy Levy said that if the Village allows this, they can never go back to the trees they have. She does not want Burr Ridge to be the town that “let it happen” and she would think with all of the legal options, something should be done to stop it right now. This will make a huge difference to everyone in Burr Ridge. There will be an unbalanced ecological system.

A handwritten signature in black ink, appearing to be 'Bjt' or similar, located in the bottom right corner of the page.

Regular Meeting  
Mayor and Board of Trustees, Village of Burr Ridge  
July 28, 2008

Mr. Stricker answered that the Village Board is on record in saying they will do everything that they can to stop this from happening and is in the process of trying to negotiate with ComEd and will continue to drive home the point that unless they can show why these trees have to be touched, let alone removed, then there will be a fight every step of the way.

Diana Bolos asked if the Board has considered passing an ordinance for strict guidelines for cutting mature trees and deforestation. The Village can strictly prohibit the cutting of trees. Has the law firm looked at the easement rights? They are very limited to the point of maximum height. She continued that ComEd is not going to negotiate with the Village; something drastic has to be done.

Mr. Stricker said the problem is that an Ordinance would not just apply to ComEd; it would apply to everyone. That issue has been discussed on and off for years in the Village. It is a drastic measure and the Village Board would entertain it if it's the last thing available.

**RECOMMENDATION TO APPROVE SPECIAL USE TO ALLOW A DRIVE-THROUGH FACILITY ACCESSORY TO A PERMITTED BANK IN THE B-1 DISTRICT (108 BURR RIDGE PARKWAY – FIFTH THIRD BANK)**

Community Development Director, Doug Pollock, presented the Plan Commission's recommendation to approve a request by Fifth Third Bank for a special use to permit a drive-through facility accessory to a permitted bank in the B-1 retail business district. Fifth Third Bank is seeking overall approval to construct a bank and those approvals include the special use approval as well as zoning and sign variations. The Plan Commission concluded the public hearing for the special use approval for the drive-through facility but continued their public hearing for the zoning variations as well as their consideration of the sign variation. They felt that they would like feedback on the question of whether the land use, the drive-through bank facility should be permitted and if yes, they would then proceed with the site plan, zoning variations and sign issues. If the answer is that the drive-through bank facility is not appropriate, then there would be no reason to proceed with those other issues.

Mr. Pollock continued that at the public hearing the petitioner presented a traffic study and based on that study concluded that there was adequate circulation and stacking provided for the drive-through and, therefore, would not have an adverse impact on circulation and traffic in the area. There was also much discussion at the public hearing regarding whether the proposed drive-through facility is consistent with the Comprehensive Plan for this area as it was amended in 2005 with the adoption of the Village Center and downtown Burr Ridge plan. The sub-area plan suggests that new development contribute to the creation of a pedestrian environment and provides details regarding policies and goals of the Village to create a pedestrian oriented downtown in that area.

He said the Plan Commission was split in its opinion regarding the special use. Four of the seven commissioners concluded that the special use met the findings for granting a special use and, in particular, that the drive-through facility would not adversely impact traffic and that the design of



Regular Meeting  
Mayor and Board of Trustees, Village of Burr Ridge  
July 28, 2008

the drive-through and its related facilities are consistent with the Comprehensive Plan. Three of the commissioners present stated they believed a drive-through is not consistent with the Comprehensive Plan and it would be a detriment to the goals of the downtown sub-area plan.

In answer to Trustee Grela, Mr. Pollock said banks are a permitted use in the B-1 district; professional offices on the first floor of a building are not a permitted use.

Trustee Grela clarified that if the petitioner sought to construct this bank without the drive-through facility, a special use would not be an issue. He stated he cannot see how a drive-through facility can contribute to a pedestrian environment. This actually removes the essential characteristic of a pedestrian friendly type of environment for this particular area. This would be the only business in that County Line Square area - in the entire downtown Burr Ridge district - that would have a drive-through facility and he would not vote in favor of the facility with a drive-through.

In answer to Trustee Sodikoff, Mr. Pollock stated that drive-throughs are not considered to be an ideal land use for a downtown area. The concern would be a drive-through right in the middle of downtown. If all options were available, he would have to say no, this is not what they would select for this site.

Trustee Sodikoff asked if there were choices, in picking something that would be complimentary to the Village Center itself, would you be looking more for a first floor retail and possibly banking on the second floor?

Mr. Pollock stated yes, a retail use that would generate retail traffic and maybe a bank; much like in County Line Square. There is no doubt that retail use would help the synergy between the Village Center and County Line Square by attracting people to walk across the street and use both. A bank does that to a limited extent.

In answer to Trustee Allen, Mr. Stricker said that sales tax should not be considered at all. This is a zoning issue, a special use for a drive-through. It is understood that banks are permitted and this building would not have to come before the Board if that's all they were proposing. What is being discussed is whether a drive-through is appropriate at this location; how it fits in terms of pedestrian access, traffic concerns and how it relates to the Comprehensive Plan.

John Manieri of 11637 White Oak Court stated he is asking that the variation be denied for the drive-through. In 2005 the Board spent many hours reviewing the sub-area of the Comprehensive Plan which was to promote pedestrian traffic. A drive-through does not do that. A variance goes against exactly what the Trustees and the Plan Commission took time to develop for the downtown area. There are restaurants that do not require a drive-through. How about an ice cream parlor? The Village Center is still a "baby", the groundbreaking less than a year ago and to date it is still not fully open. A bank is an approved use but he would like the Plan Commission to fine tune what businesses are actually approved now that there is a better view of the Village Center. This should



Regular Meeting  
Mayor and Board of Trustees, Village of Burr Ridge  
July 28, 2008

be a special place to bring children to and maybe banks should require a variance. If Burr Ridge were underserved by the banking community, it would be different.

Jim Olguin, attorney, made a presentation on behalf of Fifth Third Bank. The question of whether it fits in with the Comprehensive Plan is something that they were very cognizant of from the first day and all the decisions made regarding the building have been made with that in mind along with the pedestrian nature of this area. The building has been moved to the corner of the site closer to Burr Ridge Parkway for the purpose of making it more accessible to pedestrians. The building was configured with the look of the Village Center and the location was done so it would mirror that.

Mr. Olguin continued that a bank by its nature has many customers who want to use the drive-through. One of the key aspects of the Village Center is the large parking structure, which benefits motorists. By having an additional bank there, anyone shopping in that area will have the ability to go ahead and walk to this location. The drive-through is behind the building. As far as generating sales tax, Fifth Third Bank is the only serious group to come in and fit on this site in many years. He believes they have addressed every single issue from the Plan Commission and have worked with Village staff to make sure that this particular site fits in with the Village Center.

Trustee Grela commented that the architecture is stunning and if the drive-through is removed he will lead the discussion for the motion to approve. Secondly, the parcel has been vacant for 18-19 years but would be willing to bet that if, in fact, the Village Center did not exist; Fifth Third Bank would not be targeting this particular facility for the construction of a new bank. As far as consultants are concerned, he has been on both sides of arguments and presentations with traffic engineers, land use experts and demographers, etc. He continued that he knows from talking to staff regularly about this project, they have in no uncertain terms told him and indicated to the petitioner that they were discouraging the drive-through facility for this location. So, all issues may have been addressed except for the elimination of the drive-through. Did staff discourage the drive-through facility for this particular location?

Jeff Lietz, architect, answered that he did not believe they stated not to put a drive-through in this facility. He does not feel a bank will survive without one.

Mr. Olguin said that the decision for Fifth Third Bank to come to the site was based on a review of the existing banks in the area. He continued that Burr Ridge is less served by banks than Hinsdale and Willowbrook.

Trustee Grela asked if the drive-through is a deal breaker.

Laura Titschler stated yes, it is. Their customers need a drive-through and they expect it to be there.

Mr. Stricker said the whole issue is about the drive-through so, of course, the subject came up in meetings. When staff first saw the plans there were about a dozen things they saw wrong with it

A handwritten signature in black ink, appearing to be "JST", is located in the bottom right corner of the page.

Regular Meeting  
Mayor and Board of Trustees, Village of Burr Ridge  
July 28, 2008

plus the drive-through. To their credit they have done a wonderful job of trying to listen to the comments staff made in terms of the building, the building height, the location at the corner, adding the sidewalks, the entrances and all other suggestions.

Bob Garber, owner of County Line Square shopping center, said they have talked to their tenants they believe the drive-through would be a completely negative impact on their center.

Motion was made by Trustee Grela and seconded by Trustee Sodikoff to deny the Plan Commission's recommendation for the special use to allow the drive-through facility at this location.

Trustee Sodikoff stated that it does not really make sense to look at the history of that area because until the Village Center was developed, a lot of that area was vacant. To say this property was vacant for 18 years is meaningless; the property has been vacant for a year since the Village Center has started and that is not yet complete. If the bank does not go in there he would surmise that over a period of time, as the Village Center develops, there will be a use for that property that will be complimentary to the Village Center. Trustee Sodikoff does not think this is the best use.

Trustee Grela clarified that if it were a restaurant, coffee shop, ice cream parlor or anything requesting a drive-through facility he would have the same exact concerns.

On Roll Call, Vote Was:

AYES: 4 – Trustees Grela, Sodikoff, DeClouette & Paveza

ABSTAIN: 1 – Trustee Allen

NAYS: 0 – None

ABSENT: 1 – Trustee Wott

There being four affirmative votes, the motion carried.

**RECOMMENDATION TO DENY SIGN VARIATIONS (775 VILLAGE CENTER DRIVE – KOHLER)**

Mr. Stricker explained that the Plan Commission recommended denial of this request but Kohler has asked that this issue be continued to August 25<sup>th</sup>. They would like the opportunity to look at some alternative designs for their sign and hopefully staff can work with them to come up with a win-win situation that would eliminate the need for this variation. If they comply with the ordinance they will not need any variations which would eliminate the need to go anywhere (the Board or the Plan Commission).

Trustee Sodikoff suggested that if what Kohler comes back with something different that still requires a variation it should go back to the Plan Commission and not the Board. The record should be made at the Plan Commission.

A handwritten signature in dark ink, appearing to be "J. J. T.", located in the bottom right corner of the page.

Regular Meeting  
Mayor and Board of Trustees, Village of Burr Ridge  
July 28, 2008

Motion was made by Trustee Sodikoff and seconded by Trustee DeClouette to table this item until the August 25, 2008 Board meeting with the understanding that if Kohler makes any substantive changes that would still require a variation, that the issue go to the Plan Commission first.

On Roll Call, Vote Was:

AYES: 5 – Trustees Sodikoff, DeClouette, Grela, Allen & Paveza

NAYS: 0 – None

ABSENT: 1 – Trustee Wott

There being five affirmative votes, the motion carried.

There was some discussion about further signage. Scott Rolston, Senior Property Manager – Burr Ridge Village Center, agreed that signage has been an issue and they are working with staff. They are planning on doing some signage on the Frontage Road right of way to help identify the project on I-55. There will be some temporary signs on building #7 that is under construction notifying there are retail tenants there.

#### **POLICE DEPARTMENT ANNUAL REPORT**

Chief Timm said there were a number of graduates in the room from the Citizens Police Academy and he invites everyone to the next one starting early September. They have been very successful. It is 10 weeks, a few hours one night per week and it's hands on participation and those who have gone through it will attest to the fact that it is very worthwhile.

Police Chief Herbert Timm gave a summary of the 2007 Police Department Annual Report. The annual report includes a summary of department activity, including crime data and information relating to the level of success achieved by the department in meeting the FY 2007-2008 goals.

Questions were asked regarding minority stops and tickets issued versus Caucasians stops and tickets issued, increased activity (retail theft) in the Village Center, tinted windows on cars and peddlers/solicitors licenses and resident complaints.

#### **RECOMMENDATION TO APPROVE CONTRACT FOR PRODUCTION OF COMMEMORATIVE PLAQUE AT BURR RIDGE VILLAGE CENTER**

Mr. Stricker stated that Mayor Grasso has asked that this item be tabled. He explained that there has to be a contract before the design phase begins and tabling it for another two weeks may mean that it will not be ready for the September event that the Village Center is planning to hold. Approving the company would be just to have them develop the plaque. Once a mock up is developed, then there can be further discussion about how the plaque should read.

There was discussion regarding the names to be listed on the plaque.



Regular Meeting  
Mayor and Board of Trustees, Village of Burr Ridge  
July 28, 2008

Scott Rolston, Senior Property Manager – Burr Ridge Village Center stated that on September 13 there will be a ribbon cutting of the second phase of the project and they had thought it would be a nice component to the event to have the plaque dedicated then. It can be done in the Spring.

Mr. Stricker commented that he would like to get some quotes and see if he can get a better price. Not using the same base as OPUS used would not be that noticeable. At the next meeting he will have the information requested as far as who was on the Board during the initial approval of the Opus Development as well as additional quotes for the work.

### **OTHER CONSIDERATIONS**

Mr. Stricker thanked Maureen Headington for attending the meeting. He said it is not over until it's over but that Maureen has been very diligent. It is a major issue for the community.

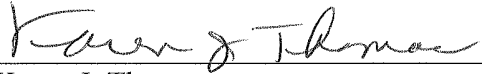
**AUDIENCE** There were none at this time.

**REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS** There were none.

**ADJOURNMENT** Motion was made by Trustee Grela and seconded by Trustee Allen that the Regular Meeting of July 28, 2008 be adjourned.

On Voice Vote the motion carried and the Regular Meeting was adjourned at 9:36 p.m.

PLEASE NOTE: Where there is no summary of discussion on any items in the minutes, this reflects that no discussion occurred other than the introduction of the item.

  
\_\_\_\_\_  
Karen J. Thomas  
Village Clerk  
Burr Ridge, Illinois

APPROVED BY the President and Board of Trustees this 11<sup>th</sup> day of August, 2008.



**AGENDA  
REGULAR MEETING – MAYOR & BOARD OF TRUSTEES  
VILLAGE OF BURR RIDGE**

**July 28, 2008  
7:00 p.m.**

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE – Mia Romanelli  
Gower Middle School**
- 2. ROLL CALL**
- 3. AUDIENCE**
- 4. CONSENT AGENDA – OMNIBUS VOTE**

All items listed with an asterisk (\*) are considered routine by the Village Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member or citizen so request, in which event the item will be removed from the Consent Agenda.

**5. MINUTES**

- \*A. Approval of Regular Meeting of July 14, 2008
- \*B. Receive and File Draft Stormwater Committee Meeting of July 8, 2008
- \*C. Receive and File Draft Veterans Memorial Committee Meeting of July 9, 2008
- \*D. Receive and File Draft Economic Development Committee Meeting of July 15, 2008
- \*E. Receive and File Draft Environmental Quality Commission Meeting of July 23, 2008

**6. ORDINANCES**

**7. RESOLUTIONS**

- \*A. Adoption of a Resolution Authorizing the Northern Illinois Municipal Electric Cooperative (NIMEC) to Obtain Bids from Electricity Providers for a Three-Year Contract and Authorizing the Village Administrator to Approve a Contract with the Lowest Cost Electricity Provider if Cost Effective

**8. CONSIDERATIONS**

- A. Update on Commonwealth Edison's Proposed Plans to Remove Trees under Transmission Lines throughout Burr Ridge
- B. Consideration of Plan Commission Recommendation to Approve Special Use to Allow a Drive-Through Facility Accessory to a Permitted Bank in the B-1 District (108 Burr Ridge Parkway – Fifth Third Bank)

- C. Consideration of Plan Commission Recommendation to Deny Sign Variations (775 Village Center Drive – Kohler)
- D. Presentation of Police Department Annual Report
- E. Consideration of Recommendation to Approve Contract for Production of Commemorative Plaque at Burr Ridge Village Center
- \*F. Approval of Proclamation Honoring Indian Prairie Library on its 20<sup>th</sup> Anniversary
- \*G. Approval of Recommendation to Award Contract for Reconstruction of a Culvert on Madison Street, South of 91<sup>st</sup> Street
- \*H. Approval of Recommendation to Award Contract for Construction of 2008 Sidewalk Program
- \*I. Approval of Vendor List
- J. Other Considerations – For Announcement, Deliberation and/or Discussion Only – No Official Action will be Taken

**9. AUDIENCE**

**10. REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS**

**11. ADJOURNMENT**